

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

S E C R E T STATE 126461

E.O. 11652: XGDS

TAGS: MARR, PFOR, UK

SUBJECT: AMENDMENT OF 1958 US/UK ATOMIC ENERGY AGREEMENT

1. ON JULY 10 STATE AND AEC OFFICERS MET WITH UK EMBASSY REPRESENTATIVES TO CONCLUDE NEGOTIATION OF AMENDMENTS TO 1958 US/UK AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR DEFENSE PURPOSES. MAIN THRUST OF AMENDMENTS, WHICH WERE FORMALLY PROPOSED BY BRITISH ON APRIL 23, 1974, ARE TO EXTEND MATERIALS (ARTICLE III BIS) PROVISION OF AGREEMENT WHICH OTHERWISE EXPIRES ON DECEMBER 31, 1974, FOR AN ADDITIONAL FIVE YEARS; AND TO ADD NEW PARAGRAPH TO CLASSIFIED TECHNICAL ANNEX TO PROVIDE FOR A TRITIUM/PLUTONIUM BARTER ARRANGEMENT. TEXTS OF THE AMENDMENTS WERE AGREED AT THE OFFICIAL LEVEL AT THE JULY 10 MEETING. HMG ALSO CONFIRMED (A) ITS UNDERSTANDING THAT EXCHANGE OF NOTES DATED OCTOBER 16, 1969 REGARDING THIRD PARTY TRANSFER WILL REMAIN IN EFFECT UNDER EXTENSION OF ARTICLE III BIS, AND (B) ITS UNDERSTANDING THAT THE US ANTICIPATES TRANSFERRING UNDER THE EXTENDED ARTICLE III BIS ONLY THOSE MATERIALS THAT ARE REQUIRED TO MAINTAIN AND IMPROVE

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EXISTING BRITISH NUCLEAR FORCES.

2. NEXT STEP IS THE SUBMISSION OF THE PROPOSED AMENDMENTS TO THE PRESIDENT BY AEC CHAIRMAN AND SECDEF, TOGETHER WITH THEIR RECOMMENDATIONS THAT PRESIDENT APPROVE DRAFT TEXTS, AUTHORIZE FORMAL SIGNATURE, AND MAKE THE REQUIRED STATUTORY DETERMINATION THAT THE PROPOSED AMENDMENT OF THE AGREEMENT WILL PROMOTE AND WILL NOT CONSTITUTE AN UNREASONABLE RISK TO THE SECURITY OF THE US. AEC CHAIRMAN RAY HAS SIGNED LETTER MAKING FAVORABLE RECOMMENDATION TO THE PRESIDENT; LETTER NOW AWAITS SECRETARY SCHLESINGER'S SIGNATURE.

3. IF THE PRESIDENT APPROVES, THE AGREEMENT WILL BE SIGNED BY PM DIRECTOR VEST AND THE UK MINISTER (SYKES). THE COMPLETED DOCUMENTS WILL THEN BE RE-SUBMITTED TO THE PRESIDENT BY SECSTATE FOR TRANSMITTAL TO THE CONGRESS. THE US ATOMIC ENERGY ACT REQUIRES THAT THE AMENDMENTS LIE BEFORE CONGRESS FOR SIXTY DAYS WHILE BOTH HOUSES ARE IN SESSION. IF CONGRESS DOES NOT WITHIN THAT PERIOD PASS CONCURRENT RESOLUTION OBJECTING TO IT, AMENDMENT WOULD ENTER INTO FORCE ON EXPIRATION OF SIXTY-DAY PERIOD AND UPON WRITTEN NOTIFICATION BY EACH STATE TO THE OTHER THAT IT HAS COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS.

4. WE HAVE MADE CLEAR TO BRITISH THAT, BECAUSE OF 60-DAY REQUIREMENT AND UNCERTAINTY REGARDING DATE OF CONGRESSIONAL ADJOURNMENT, WE ARE UNABLE TO GIVE ANY FIRM ASSURANCE THAT AMENDMENT WILL ENTER INTO FORCE THIS YEAR. BRITISH ARE, OF COURSE, ANXIOUS TO AVOID EVEN TEMPORARY LAPSE OF ARTICLE III BIS AT BEGINNING OF 1975.

5. FOREGOING IS FOR EMBASSY'S BACKGROUND INFORMATION AND NO ACTION IS REQUESTED AT THIS TIME. DEPARTMENT IS DEVELOPING PUBLIC AFFAIRS GUIDANCE WITH BRITISH AND WE INTEND, AS WE DID IN PREVIOUS EXTENSIONS, TO MINIMIZE PUBLICITY. WE WILL KEEP YOU INFORMED OF PROGRESS OF AGREEMENT AND PROVIDE PUBLIC AFFAIRS GUIDANCE IN DUE COURSE. SISCO

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